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7 GIOVANNI MONTES,
8 Plaintiff,
9 v.
10 MILLER,
11 Defendant.

Case No. [22-cv-07229-JST](#)

ORDER OF DISMISSAL

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13 Plaintiff has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On March 28,
14 2024, court mail addressed to Plaintiff was returned as undeliverable. ECF No. 25. N.D. Cal.
15 L.R. 3-11 provides that the Court may, without prejudice, dismiss a complaint when: (1) court
16 mail addressed to the *pro se* party has been returned to the court as undeliverable, and (2) the
17 Court fails to receive within 60 days of this return a written communication from the *pro se* party
18 indicating a current address. *See* N.D. Cal. Civil L.R. 3-11(b). More than sixty days has passed
19 since court mail addressed to Plaintiff was returned as undeliverable, and the Court has not
20 received any communication from Plaintiff. Accordingly, this action is DISMISSED without
21 prejudice pursuant to N.D. Cal. Civil L.R. 3-11. Because the dismissal is without prejudice,
22 Plaintiff may file a motion to reopen the action but any such motion must be accompanied by
23 Plaintiff's current address and a showing of good cause as to Plaintiff's failure to prosecute and
24 failure to provide the Court with an updated address, as required by N.D. Cal. L.R. 3-11.

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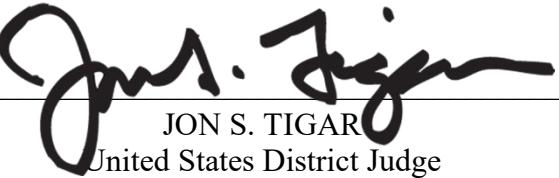
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1 For the reasons set forth above, this action is DISMISSED without prejudice. The Clerk
2 shall enter judgment in favor of Defendant and against Plaintiff, terminate all pending motions as
3 moot, and close the case.

4 **IT IS SO ORDERED.**

5 Dated: June 12, 2024

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7 JON S. TIGAR
United States District Judge

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United States District Court
Northern District of California